

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,

No. CR 13-00006-1 WHA

v.

**ORDER GRANTING SEVERANCE
OF ERIC MENDONCA**


ERIC MENDONCA,
Defendant.

Having heard a long day's worth of testimony over the truthfulness or not of the search warrant affidavit, the Court is concerned that the case against Eric Mendonca has been built on innuendo and surmise rather than admissible evidence and that possibly he is an innocent man. Mr. Mendonca wants a speedy trial to vindicate himself, but his co-defendants do not. The Court is further concerned that forcing Mr. Mendonca into a large trial, whenever it may eventually occur, with other co-defendants on unrelated issues will prejudice his right to a fair trial. Removing Mr. Mendonca from the mix will also simplify the later, larger trial.

Defendant Mendonca's motion to sever is **GRANTED**, with the condition that the trial commence on **APRIL 22 AT 7:30 A.M.**, that the final pretrial conference will be **APRIL 17 AT 2 P.M.**, and that the pretrial motion practice will be minimal. If, however, new motion practice by defendant Mendonca puts pressure on the trial date, then the separate trial and severance may have to be re-visited.

IT IS SO ORDERED.

Dated: March 13, 2013.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE